

Todd Butler (3366)

From: Murray Wells <wells@thewellsfirm.com>
Sent: Thursday, November 11, 2021 2:15 PM
To: Todd Butler (3366)
Cc: Martin@Sparkman-Zummach.com
Subject: Hoyle and White FRCP 408 discussion.

Todd:

As you are undoubtably aware, things are heating up regarding Brown, Solomon and Chief Worsham. I'm sure you are aware of the target letters from the FBI and further aware that Worsham advised the Mayor that the investigation was obligatory rather than serious. It is very serious.

As the City and its leadership chose to embrace the actions of the officers in their entirety via the pleadings filed, I do not believe either case will be dismissed under the Qualified Immunity doctrine and I do not believe the City will be able to remove it's liability from that of the officers.

Based on what we know regarding the loss of information by the city despite robust spoliation letters being received by the department and knowing that the actions of the officers were probably criminal violations, we now believe both of these cases are ripe for verdicts well in excess of the coverage provided to the City of Hernando, and a very real possibility for punitive damages far from unlikely.

In short, the ability for the City to resolve these claims presents itself now as an opportunity that will no longer be available to the City as discovery progresses and our clients more resolved towards trial.

It's become very clear that the City has failed to take the allegations seriously and has instead attempted to ratify the actions and delegitimize the claims. It may be time for you to speak with the mayor and the city aldermen about a more realistic awareness of the serious nature of the potential damages to the City and it's Police department and ask for candor in their actions and how to minimize loss, both financially and in reputation.

I will look forward to your thoughts and how your client prefers to proceed.

I hope all is well,

-Murray

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